

OF

## MR. UNDERWOOD, OF KENTUCKY,

ON

## THE WAR WITH MEXICO.

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DELIVERED IN THE SENATE OF THE UNITED STATES, FEBRUARY 10, 1848.

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MR. PRESIDENT: We have been engaged in wars with England, and that is the only foreign civilized Christian nation, Mexico excepted, with which we have been so involved. We have had two wars with England, in both of which we were contending for great principles, upon which rest the institutions and liberties of our country. The American people well understand the principles for the establishment of which their ancestors entered upon the war of the revolution. They were published to the world in the ever-memorable Declaration of Independence. The principles, for the defence of which the war of 1812 was declared, are equally well understood. They were promulgated in the pithy sentence, "free trade and sailors' rights." The people of the United States would not suffer Great Britain, by her orders in council, to trammel or commit spoliation upon their commerce. Nor would they permit their merchant vessels to be arrested and entered, and our sailors impressed and made to fight the battles of England on board British men-of-war, or armed vessels. To resist the practice of impressment and spoliation, we went to war in 1812. The causes of these two wars with our mother country, and the principles involved, are now matters of history. I propose, Mr. President, to inquire into the principles and causes of the existing war with Mexico. The people of this country wish to know what they are fighting for, and what objects are to be accomplished.

In the progress of this debate I have witnessed on the part of those who sustain the administration, and especially on the part of the chairman of the Committee on Foreign Relations, great research and much anxiety to find precedents, in the past history of our country, to justify every act of the President in relation to the existing war. I know full well the force of precedents. As individuals, we do what our fathers have done. Nations in a single action may set an example to be followed through successive ages. Legislative and judicial precedents become authority. International law is built up or demolished by the military action of nations. It is, therefore, of lasting consequence to us, to ascertain what precedents we are establishing for our future government, and what principles we are asserting in the face of nations. I look back with exultation upon the principles and the actions of those who resisted the domineering conduct and arbitrary exactions of Great Britain. I behold our ancestors struggling against oppression and in favor of liberty; and in their conduct I find a cheering example for the imitation of the oppressed of all nations. In their conduct I find great principles of right and liberty vindicated and maintained. I feel a thrill of gratitude for the blessings I enjoy consequent to their sacrifices. And now, in the midst of our Mexican hostilities, I naturally inquire, will our children regard our war with Mexico, comparatively weak, as having been based upon the same high principles which governed our ancestors when they, being weak, resisted the strong arm of British power? What lessons are we teaching our children and the world by our policy towards Mexico? Are we guided by the landmarks of liberty? Are we

acting upon the recognized principles of international law, or are we building up a new code by which we are to be governed, although rejected and condemned by all other nations?

Before going into these momentous subjects, I beg leave to call the attention of the Senate to the war made upon the freedom of speech by the supporters and vindicators of the war against Mexico. In their belligerent career they denounce all those who question the sagacity of the President, as traitors, giving "aid and comfort" to the enemy. The President himself set the example. It has been followed by Executive partisans with unparalleled malignity. It has at length come to this, that those who do not agree with the administration are denounced in the Executive organ, the Union, and other affiliated presses, in terms usually applied by vulgar wrath to the vilest criminals. A copy of the Union, now before me, charges the members of Congress of both Houses with making speech after speech "against the rights and honor of the country," and publishes the opinions of officers and soldiers in the army, to prove that "the course of the opposition in regard to the war has had the indisputable effect of cheering the enemy and prolonging the war." Gen. Pearce is represented as declaring in a public speech, that extracts from American papers republished in Mexico, constituted "the food which fed the ferocity that pursued the army at every turn, and caused the butchering of every soldier who fell into their (Mexican) hands." Under the head of "more just indignation," we are informed by the Union that a correspondent of the Pennsylvanian, writing from the city of Mexico relative to the republication at that place, of the speech of a distinguished member of this Senate, declares that "the army here [in Mexico] are deeply incensed by such a display of selfish party ambition, sacrificing truth, principle, country, and his countrymen, all to his overweening desire for place," and adds, "the execrations against him are deep and bitter, and the words villain, traitor, are in every mouth." But it is needless to dwell upon charges like these, made against members of Congress. They are varied, and multiplied, and issued daily from the administration press, as if the design was to stifle investigation, and to restrain the liberty of speech by denunciation and abuse. It is an evil omen, when the officers and soldiers of the army begin to charge legislators with villainy and treason. When the army, only, is pure, and contains all the patriotism in the land, their denunciation may possibly be succeeded by clearing the halls of legislation with the bayonet. Cromwell and Napoleon knew how to denounce and subvert legislatures. Washington, had he allowed the Newburg letters to operate upon him, might have marched to the glorious continental Congress of the Revolution, and ended their deliberations by a band of soldiers. The amendment of my colleague (Mr. CRITTENDEN) proposing to substitute volunteers in the place of regulars, has been voted down, mainly upon the ground, if I can judge from the debate, that the volunteer had attachments to home and country, that he had business to pursue, and that he had a personal worth, a pride of character, which would not allow him to become a mere machine. Remember, if you pass this bill, the ranks are to be filled with men who have no place in the business affairs of life, and who have no ties to bring them back from Mexico. Such were the arguments in favor of regulars, rather than volunteers. Such soldiers would be machines, under such Generals as Cromwell and Napoleon; and, although there may be no danger, during the continuance of the present generation, that a successful commander in war will totally revolutionize the Government of the United States, yet an army composed of the materials which the friends of the administration seem to prefer, might be induced to place their commander on a throne, provided he introduced into his policy a new feudal system, and divided out the lands of Mexico among his supporters. Whatever the army may do in the progress of events, I hope that the body of the American people have not forgotten the maxims that the military should be subordinate to the civil power of the State, and that large standing armies are dangerous to liberty. I shall proceed to express my opinions of the principles and tendencies of the existing war, regardless of anticipated denunciations.



There is another preliminary remark I desire to make. We have been, in substance, told, here as elsewhere, that those who object to the conduct of the President in reference to the war, and speak and write in opposition to the principles and actions of the Executive, whilst they manifest their own factious tempers, are disgracing the character of the country, and bringing upon themselves the odium which attached to the Tories of the Revolution. Denunciations like these usually come from persons having a personal interest in the prosecution of the war, or a party interest to subserve. Those who feel the interests of party are such as have, to a great extent, the responsibility of beginning the war on their shoulders. With these it is nothing more than a political manoeuvre, to endeavor to identify themselves with the honor and glory of the country, and to produce the impression that those who oppose them and their measures, are tarnishing the character and bringing disgrace upon the country. Such selfish trickery is too thinly veiled to hide itself from an intelligent and discerning public. The manner in which this war commenced, can reflect neither honor nor disgrace upon the great body of the people of the United States, for the most obvious reasons. They were not consulted upon the subject. The President did not even consult the representatives of the people until after the battles of Palo Alto and Resaca de la Palma. The Congress which recognised the existence of the war, had not been elected by the people with any expectation that their representatives would be called on to decide a question of peace or war. But even if every member had come with instructions from his constituents, no opportunity was afforded to express the popular will, before two bloody battles were fought. The message of the President to Congress, which may be denominated his war message, is dated and was delivered on the 11th of May, 1846—only three days after the battle of Palo Alto, of which the President had not heard at that time. Two days after, to wit: on the 13th of May, the act of Congress, recognising the existence of a state of war with Mexico, and providing means to prosecute it, was approved. Now, sir, I assert that the people at large took no part in producing these momentous events, and that their character neither shines with increased splendor, nor is tarnished in consequence of them. But the character of the people may and will become connected with the future conduct of this war, just so far as they have ability to control its results, and just in proportion as they adopt sound and honest principles, and constrain their public servants to act in conformity with them. In a republic, Mr. President, the people may often be deceived by the mistakes or wickedness of their officers. The people may be misled by ignorance or fraud. But these things do not affect the moral character of the people. They only operate upon the public functionary, who, from sinister motives of gain or ambition, sacrifices the general welfare for his own emolument, and then attempts to hide his own disgrace by persuading the people that his disgrace is theirs, and that their character is identified with his. In my judgment, the character of the American people is deeply concerned in making a thorough investigation of the principles and objects of this war, and in bringing their servants, Executive and legislative, to act in regard to it, upon the basis of justice. Let the people do that, and they will exalt their national character, and they will become the admiration of the world. If they fail to do it, ultimate disgrace inevitably awaits them. In the hope that I may aid in the popular investigations which are now in progress, I shall proceed to notice the general grounds upon which the war is vindicated, present my objections to the conduct of the President, as to the manner in which he has involved his country in the difficulties which surround us, and conclude by a word of advice for extricating ourselves.

Upon this floor, and in the course of this debate, much has been said by Senators who sustain the President, the tendency of which is to render the public mind familiar with the idea that the annexation of all Mexico to our country, if not a positive blessing, would at least be productive of no very great evil. Indeed, one of the Senators from the great State of New York has submitted resolutions, in one of which it is declared:

"That true policy requires the Government of the United States to strengthen its political and commercial relations upon this continent, by the annexation of such contiguous territory, as may conduce to that end, and can be justly obtained."

The President, in his message, delivered at the commencement of our session, told us that :

"The boundary of the Rio Grande, and the cession to the United States of New Mexico and Upper California, constituted an ultimatum, which our Commissioner was under no circumstances to yield."

He further told us, in the same message, that :

"As the territory to be acquired by the boundary proposed might be estimated to be of greater value than a fair equivalent for our just demands, our Commissioner was authorized to stipulate for the payment of such additional pecuniary consideration as was deemed advisable."

Put these sentences together, and they amount to a distinct avowal that the President will not make peace, unless he can get from Mexico more territory than is sufficient to pay our "just demands." It necessarily follows that he intends to continue the war, with a view to enforce the adoption of his ultimatum by Mexico, and thereby obtain from her territory of "greater value than a fair equivalent for our just demands." My ideas of justice have long taught me to believe, that when an individual or a nation was willing to give up as much land or territory as was sufficient to pay all just debts, the creditor should be satisfied. But here, from the Chief Magistrate of this great and powerful nation of ours, we have a rule laid down and prescribed to weak and feeble Mexico, which, in substance, declares, that we will whip her until she surrenders a certain boundary of land, although it is more than enough to pay all our "just demands." What would be thought of a creditor's morality and sense of justice, whose appetite for annexation was so strong, that he could not be satisfied with a slip of his neighbor's land, sufficient to pay the debt, but craved to "swallow" the whole plantation ! There is too much of that grasping, dishonest avarice among individuals and nations. Now, sir, consider the debates here ; look at the resolutions offered by the Senators from New York and Indiana, weigh well the contents of the President's message, and do not forget the resolutions of mass meetings, newspaper essays and paragraphs, openly advocating, not only the annexation of the whole of Mexico, but the whole of North and South America which does not already belong to us, and then you must perceive the necessity of an appeal to the people of the United States, imploring them to pause and reflect where they are going, and by what principles they are impelled.

What do we want with more territory, either for a political or commercial object ? The whole of Europe contains but 3 000,000 square miles, running up to the uninhabitable frozen regions of the Arctic ocean. The United States with Texas proper, contains 2 500,000 square miles. With New California and New Mexico added, we shall have more than 3,000,000 square miles. Is it a sentiment of vanity which induces us to enlarge our dominion over the unexplored wilderness of California ? Or do we want it because it will add to our power hereafter, and thereby make us more formidable in the eyes of the world, as a military people ? In my opinion, we already possess more of the elements of national power than all Europe combined. Inhabiting more favored latitudes, we produce everything necessary for the comfort of man, in food, raiment, and shelter. There are but few luxuries which may not be abundantly raised in some of our various climates between the twenty-fifth and forty-ninth parallels of latitude, extending from the cape of Florida in the south, to the sources of the Mississippi river in the north. Cotton, flax, hemp, wool, and we may add, silk, can be produced in sufficient quantities, not only to clothe our own people, but to supply the markets of the world. Sugar, rice, and almost every tropical fruit, can be raised in our southern possessions, more than sufficient to supply the domestic market. In grain and meat of every kind, we can feed our own people, and afford a large surplus to any nation that wants it. We have inexhaustible mines of iron, coal, copper, and lead. Our forests abound in the finest timber in the world. We even possess mines of gold that we may work, without coveting the mines of Mexico. All that we need is,



to develop the resources of these rich possessions, and to convert, by art, the treasures of nature to the use of man. In peace we were doing it with a rapidity which astonished the world. We were not content to "go ahead" by steam power alone. Our forward movement was propelled by steam and lightning combined. We have already attained that degree of strength which would enable us to make successful defence against the world in arms. With bays, lakes, and rivers, canals and railroads, for all purposes of intercommunication and trade, now affording great facilities, but nothing like equal to the wants of our people, with manufactures growing, with commerce, internal and foreign, extending: with all these sources of comfort and enjoyment, and with the certain prospect of their enlargement to an indefinite extent, why need we covet the possessions of other nations? Sir, it is a mistake, a great mistake, to suppose that we shall strengthen ourselves by the extension of our jurisdiction over Mexico. It will weaken us. It will inoculate our system with a poison which may result in our political dissolution, and the death of our liberty. It will certainly be attended with a vast expenditure of money for a long time to come—how long, no man can tell. We shall be compelled to keep large standing armies there, to prevent insurrections and rebellions. The money expended will be a great loss to us, but the valuable lives sacrificed under the influence of the climate, change of food, and other causes, will be still greater. There is a vanity among men which induces each of them, too often, to believe that he can direct and manage, not only his own affairs, but the business of all his neighbors, much better than they can. We over-estimate our own powers and ability, when we suppose that we can excel in every pursuit of life, and carry them on all at the same time. There is a limit to the physical and intellectual faculties and ability of our species. We cannot attend individually to every thing. There is also a limit to the powers and capacity of government. No one government, unless it be that of an absolute despot, governing by subordinates the districts assigned them, can comprehend and superintend the various concerns of all the people of the earth. It is just as essential that there should exist different political and civil associations and governments, as that there should be different and separate families and households among the people living under any one government. The past history of our race exhibits the folly of grasping at universal empire.

"Rome, Rome—thou art no more

As thou has been,"

may be sung, as well of other cities and dominions. Even the classic language of her orators and poets of the Augustan age is dead. The liberties and laws of republican Rome perished under the fatal influences and policy generated by the enlargement and extension of her empire. Shall we find no warning in her example? Can we legislate soundly or safely for a heterogeneous nation, composed of Anglo-Saxons, Aztecs, Negroes, and Spaniards, of every degree? Shall we have interpreters in this and the other house of Congress, when Senators and Representatives arrive from the State of Yucatan, and twenty other States now constituting the territory of Mexico? Can we hear all their petitions, and legislate on all their affairs? Can one Supreme Court decide all their causes brought up for adjudication? What sort of presidential elections shall we have, when the whole, or even the half of Mexico is annexed? What will the voter in Oaxaca know of the character and qualifications of the candidate residing in New York or Massachusetts? I might add, what will he care?

Our true glory, it seems to me, will be best promoted by throwing away ambition, "'Twas by that sin the angels fell." Let us develop all the resources and advantages to be found in our already vast country. Let us cultivate the arts of peace, and seek not the subjugation and annexation by war and conquest, of any part of Mexico.

But the rich productions of Mexican mines, and forests, and fields, we are told, would enrich our commerce, and enlarge our revenues, and therefore, we should favor annexation. If peace and amity can be restored, and commercial arrangements made, if intercourse and trade can be placed upon a footing, mutually advantageous, it is difficult to perceive why we cannot derive as much profit in trading with Mexico as a separate and independent people, as we could when united. I have looked into the tables exhibiting the amount of our import and export trade with her, for a series of years, and I find it has been too inconsiderable, at its most prosperous periods, to make annexation an object, with a view to enlarge our commerce with her. For a period of nine years, prior to, and including 1833, our imports from Mexico, on an average, amounted to \$4,788,954 per annum, and our exports to \$4,670,375 annually. The next twelve years after that period, our imports have averaged a little more than five millions annually, and our exports a little upwards of four millions annually. During the year ending on the 30th June, 1845, being the last prior to the commencement of hostilities, the trade had declined so much, that our exports to Mexico only amounted to \$1,152,331, and of this amount, there was \$368,177, in foreign merchandize, leaving but \$784,154, of domestic produce exported. Our imports from Mexico during the same year, were to the value of \$1,762,936. The tables thus show, that for a period of more than twenty years, the average of exports and imports did not exceed \$5,099,000 each per annum. Now, it is the profit on this limited trade, and the prospect of enlarging it by annexation, that are held out, as motives to influence us. It is manifest, that if the whole amount was a clear gain, it would not pay the fourth part of the expense of prosecuting the war one year. As to the additional revenue we might derive from annexation, if we could obtain any, it would be more than absorbed by the increased expenditure in governing the country.

The next point I shall despatch in a few words. It is, that we must take Mexico, the whole of it, to prevent its falling into the hands of England or France, and the establishment of a monarchy by one of them. I have seen no evidence that either of these Governments want Mexico. It is the same story which used to be applied to Texas. May we not wait until there is some palpable demonstration on the part of one or both of these Governments, to annex Mexico, and then tell them it shall not be done? The reasoning which justifies us in seizing Mexico, to prevent England or France doing it, reminds me of a story, with which I shall conclude all I have to say on this head. Two persons were passing a farm one bright moon shining night, and saw a fine turkey roosting on the fence. They deliberated for some time in great doubt, as to the propriety of taking it, one of them regarding it as a violation of conscience to do so. He at length got over all his difficulties, being assured by his companion, that he knew two rogues who were to pass that way, one of whom would certainly take the turkey, if they did not. Under such reasoning the former lost his turkey. The mass of the people will understand, and apply the moral of the story.

But it is alleged to be our "manifest destiny" to overrun all this continent with the Anglo-Saxon race, and to extend the "area of freedom," and the liberty of conscience. If these words mean any thing, they amount to this, that we are driven by some law of necessity—some decree of the Almighty—to overturn the civil and religious institutions of all other nations on this continent, and to build up in their place just such systems as our own, or such as we may prescribe. If God has chosen us for any such purpose, and to accomplish it by force of arms, the revelation has not been made to me. I have no faith in the doctrines of any modern Peter, the Hermit, who preaches propaganda by fire and sword. I am unwilling to enter upon military crusades with a view to teach our politics or religion to the other nations of the earth. Christianity, or perhaps more properly speaking, the professors of Christianity have, as I think, been signally rebuked by Providence in their wars to arrest the "Holy Land" from the dominion of the followers of Mahomet. Sir, it is not in the nature of man to be taught true religion or the true principles of civil liberty and republican government at the point of the bayonet. A state of war rouses every angry passion and vindictive feeling against an invader. There is an instinctive resentment against those who attempt to compel us to adopt their creeds by force. Hence it is, that no cause can progress under teachers who undertake to produce conviction by the sword, and who kill the body for the sin of unbelief. Persecution never did, and never will benefit the persecutor. It may enable the persecuted to rise upon a tide of sympathy, excited in their behalf. I am a protestant in politics and in religion. I do not believe that we can find infallibility on earth, either in church or State. I hope that the spread of the Christian religion over the earth will accomplish great things for the amelioration of our race. I exult in the moral influences which the thirty-four Theological Seminaries, and their hundred and one professors, the thirty-one thousand seven hundred and sixty-four preachers of the Gospel, and the three millions three hundred and ninety-four thousand one hundred and forty communicants of Protestant churches in the United States, according to the latest returns, are spreading throughout our land and nation. This estimate does not include Quakers nor Catholics, among whom there are additional hundreds of thousands, who inculcate every virtue, and enjoin the practice of the commandments delivered to Moses.

If these Christian people desire the extension of civil and religious liberty, and if they would accomplish their desires, they must work like their divine Head and Master did. They must persuade, and not attempt to drive. They must make impressions upon the understandings and hearts of other nations by the weapons of reason and love. I admit "the rapture of the strife" on a battlefield, but it is only the essence of the glory of this world, and not of Heaven. It creates the hero to be admired, and not the sage to be beloved. The appropriate business of the one is to sack cities and devastate countries, waste and consume the substance of a conquered people, and leave women and children to starve amidst the carnage and death of their husbands, sons, and brothers. The business of the other is to build up cities, to improve countries, and to bring the blessings of peace and plenty, of intellectual and religious and social joy, to the happy homes of a numerous population. I had hoped that if we were the children of destiny, that our fatalism would be developed in spreading Christianity and popular government over the world through the instrumentality of a bright and peaceful example, one of universal toleration in matters of opinion, and in which reason and persuasion would take the place of bigotry and the stake. But, sir, I am no fatalist. My faith is, that God hath set good and evil before us, and endowed us with free will to choose between them. Our faculties are capable of guiding us aright, if we will but make a proper use of them; and we sin in the sight of Heaven, if we do not so use them.

The defenders of the administration contend that Mexico was preparing to invade our territory, and to make war; and, therefore, they insist, we had the right, upon the principle of self-defence, to strike the first blow. I admit that individuals and nations, when they perceive an enemy about to strike, are not bound to wait and receive the blow, but may commence in order to ward off the injury by disabling the enemy. To show that Mexico intended to make war on us, the withdrawal of her minister, after the resolutions for the annexation of Texas were adopted by Congress, and the heated remarks of Mexican officers, are referred to. Among others, a publication made by Garcia Conde at the head of the office of War and Marine in Mexico, dated July 12, 1845, has been made to cut a conspicuous figure, in which he says, speaking of the annexation of Texas: "The injustice of that usurpation is apparent, and Mexico cannot tolerate such a grave injury without making an effort to prove to the United States the possibility of her ability to cause her rights to be respected. With this object, the supreme government has resolved upon



a declaration of war against that power." Yet the "supreme government" took good care to make no such declaration. Mexican officers have been guilty of perpetrating threats against and abuse of the United States, to an unlimited and immeasurable extent, I have no doubt. They speak to flatter the prejudices of their people, pretty much after some of our high patterns. While we were claiming the whole of Oregon by positive assertions of our right, and whilst political chivalry was threatening to shed its last drop for 54° 40', Mexico was equally vociferous for the whole of Texas. Silly children may be frightened by gasconade—sensible men, never. Cowards cower tremendously, like fowls without game blood, so long as there is a fence between them; but bring them into the ring, and they raise their hack and back out. Sir, it has amused me, to see with what avidity we catch the hostile declarations of Mexicans and publish them to the country as a justification to the President for beginning this war. The friends of the administration may have it, if they please, that every man, woman, and child in Mexico had taken the oath of Hannibal, the oath of eternal vengeance against us, and that they were making the most active preparations to march large armies not only into Texas, but into the very "vitals" of the United States; and that the President was perfectly informed of all their movements; and still the President is totally without justification for his conduct, in my opinion. If all these things had been true, in their most aggravated and offensive manner, as soon as they came to the knowledge of the President, it was his duty, under that clause of the Constitution which says, "he shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient," to have laid the whole before the representatives of the people, and to call upon the Congress—the war-declaring power of our Government—to act in the premises. But instead of doing so, the President, on the 13th of January, 1846, without consulting Congress, which was then in session, orders General Taylor to leave his position at Corpus Christi, where he remained unmolested with his army for months, and to establish himself on the left bank of the Rio Bravo or Rio Grande. On the 8th of March, 1846, General Taylor began breaking up his camp at Corpus Christi; and on the 28th of that month a flag staff was erected opposite Matamoras; "and soon the flag of our country, a virgin one, (says Capt. Henry in his campaign sketches, page 66,) was seen floating upon the banks of the Rio Grande, proclaiming in a silent but impressive manner that the 'area of freedom' was again extended." The brave captain, in admiration of this event, says on the same page, "there was not ceremony enough in raising it, (the flag.) The troops should have been paraded under arms—the banner of our country should have been hoisted with patriotic strains of music, and a national salute should have proclaimed in tones of thunder that, 'Liberty and union, now and forever, one and inseparable,' had advanced to the banks of the Rio Grande." Well, sir, there is something of glorification in all this; but to the calm observer, it is the invasion of territory held and claimed by a foreign nation. It is an act of war, made by the President of the United States—by the one man power—without consulting Congress; and is therefore a palpable violation of the Constitution. If sanctioned by the people, then are we ready to tolerate any usurpation, and to bow our necks to receive the yoke.

It is impossible for the President and his supporters to escape one of two alternatives. He either knew at the time General Taylor was ordered, in January, to the Rio Grande, that the Mexican authorities and officers were in earnest in their hostile declarations, and were preparing for the execution of them, or had reasonable grounds to believe there was danger from Mexican threats and preparations, or he had no knowledge or belief that any thing serious was contemplated on the part of Mexico. If the first—if he knew, or had good grounds to believe that Mexico was seriously engaged in preparing for war, he grossly violated his duty in withholding the facts, and in not communicating them to Congress prior to ordering the army to the Rio Grande. If the second—if he had no important knowledge, and consequently, nothing to communicate to Congress in relation to the hostile movements of Mexico, then he was guilty of marching the army into a country actually occupied and claimed by Mexicans, in ignorance of all the facts which could furnish a plausible apology for the recklessness of the step. He has, therefore, either concealed from Congress, possessing the war-declaring power, by the Constitution, important information, or he has, in ignorance of the facts, precipitated the country into hostilities without affording the representatives of the nation an opportunity to exercise their constitutional powers in declaring or refusing to declare war. It is in this point of view, that the unconstitutional conduct of the President is flagrant. And how is it defended by his supporters? Why, sir, they say we have just cause of war against Mexico; and they and the President furnish a long list of specifications, the most prominent of which I shall hereafter consider. Well, let us admit that it is all true. What then? Because we have just cause of war against a foreign nation, does it follow that the President may begin it whenever he pleases, without consulting Congress, or waiting until Congress has considered the subject at all? Sir, I arraign the President before his countrymen for the exercise of a power in making this war which did not belong to him. He sent an army to take possession of a country in the adverse possession of a people who were citizens of a foreign nation with which we were at peace, although there was no very good feeling towards us. That was an act of war. It was invasion. The President had no more right or constitutional authority to do it, than he has to send the army to Quebec or Havana, and take possession of these cities and surrounding country, without the sanction of a previous act of Congress.

To give the Senate and country a distinct and clear idea of the manner in which the war was begun "by the act of" the President, allow me to state facts as I have collected them from Captain Henry's campaign sketches. He was an officer in General Taylor's army. He writes well and

clearly, and from what I have heard of him, although we are not acquainted, his veracity cannot be questioned. Captain Henry states that :

"When General Taylor with his command reached the bank (of the Colorado) some twenty or thirty Mexicans presented themselves and said, that if his force attempted to cross, they would fire upon it, that such were their orders."—Page 59.

"Previous to the crossing, the adjutant-general of General Mejia, the commanding general at Matamoras, made his appearance, and handed to General Taylor a paper from Mejia, 'forbidding his crossing, stating that he would look upon it as a declaration of war,' and left, assuring the general he would be opposed, and that a fight was inevitable."—Page 60.

These occurrences took place on the 21st of March, 1846. On the 24th of March, General Taylor arrived at Point Isabel, and was met there, says Henry, "by a deputation of fifty armed citizens from Matamoras, with some important civil functionary at their head, who presented him a paper protesting against our occupying the country." The general having no time to discuss the matter, told them very concisely "he would give them an answer at Matamoras"—page 63. On the arrival of the army at Matamoras, or opposite to it on the east bank of the river, General Worth was deputed by General Taylor to answer the deputation which met him at Point Isabel. After some difficulty, General Worth and the Mexican General La Vega, were brought together. General La Vega, (says Henry,) spoke of our arrival as an act of invasion; that the Mexican government looked upon it as such, and asked the question, "what would we have done if we had been served so?"—page 66. Well, Mr. President, I should like to hear what answer the President himself, or his vindicators on this floor, would give to that question. None of them have yet, in this debate, placed themselves in the attitude of Mexico, and asked what they would do under similar circumstances? The rule of doing unto others as we would have them do to us, is, I fear, obsolete in regard to the Mexican war. Well, sir, as I cannot tell how silent Senators, if compelled to speak, would answer La Vega's question, I will give you Captain Henry's answer, and I mistake the character of my countrymen altogether, if ninety-nine hundredths of them would not answer precisely as the noble Captain. He says, "of course no reply could be given, except that we would have fought like lions for what we deemed our possessions." Yes, sir, that is the true spirit of our people. Let any foreign nation send an army to take possession of what we deem ours, and which is in our occupancy; let them put their feet upon any part of the State from which I come, and I will answer for every Kentuckian, that there is not one of them who will not fly to arms to drive the invader from the soil. And yet, sir, for the assertion of this sentiment here, a sentiment without which there can be no true love of country upon earth, I suppose some malignant partizan may gazette me as giving "aid and comfort" to the enemy.

I will proceed with my extracts from Capt. Henry's book. On the 23th March, as the army advanced to Matamoras, "two of the advanced guard of the Dragoons, being some distance from the main body, were pounced upon by a body of Mexicans, and carried off prisoners to Matamoras"—page 65. "April 1st. General Taylor having demanded the release of the two captured Dragoons they were returned to-day, with nearly all their equipments"—page 70. On the 11th of April, General Ampudia, long looked for, arrived at Matamoras—page 70. On the 12th of April, General Ampudia sends a communication to General Taylor, telling him "he must leave his position in twenty-four hours, retire to the Nueces, and there await the settlement of the question by negotiation, in default of which Mexico would look upon his position as a declaration of war." General Taylor sent word to Ampudia that he did not require twenty-four hours, but would reply at 10 o'clock a. m. to-morrow." On the 13th of April he did reply by saying "he was sent here by order of his Government in a peaceful attitude, and intended to remain; and then warned him against the responsibility of firing the first gun." Pages 74 and 75.

Well, sir, who fired the first gun? On the 4th and 5th days of April, our troops shot two of their own men as they were deserting to the Mexicans. The deserters were shot, one on each day, as they were swimming the river—page 72. The first blood shed was that of our own men, and by the guns of our own men. Heaven forbid that this evil omen in the commencement of this war, should portend civil strife and bloodshed among ourselves in its final results. On the morning of the 10th of April, "Col. Cross left camp, and not returning in the evening, great fears were entertained for his safety"—page 73. On the 17th of April, Lieutenants Dobbins and Porter, with ten men each, "left camp with the avowed intention of catching, if possible, some of the band of the notorious Romeno Falcon, hoping to discover some clue to the murder of Col. Cross"—page 77. On the 18th of April, Lieutenants Dobbins and Porter, having separated their commands, Lieut. Porter's party, at about two o'clock, P. M., met with a party of armed Mexicans, engaged in jerking beef. "As they approached their camp, a Mexican snapped his piece at Lieut. Porter, who returned it with both barrels of his gun. The enemy immediately fled, and the Lieutenant found himself in the possession of ten horses and twenty Mexican blankets"—pages 77 and 78. Here we have the first snap from the Mexican, and the first fire, two shots, from our officer. Whether the Lieutenant supposed he had found Falcon and his men, to catch some of whom he had left camp, and whether he made any demonstrations evidencing his determination to capture any of them, before the Mexican "snapped," Captain Henry does not inform us. But after the Mexicans fled, and after Lieutenant Porter had taken the ten horses and twenty blankets, we are told that he and his men mounted and proceeded towards the camp. They had not proceeded far before they were attacked by a party of Mexicans concealed in a chapparal. "Lieut. Porter ordered his men to dismount, the enemy kept up a brisk fire; both of the Lieutenant's bar-



rels snapped, and nearly all the pieces of his men had been rendered useless by the rain." The result of the whole was, that Lieut. Porter, and one of his men named Flood, were killed, and the balance of his party dispersed, and got to camp as best they could. The soldier who got in last, said he concealed himself in the chapparal, and saw the proceedings of the enemy. He reported that—

"As soon as our men broke, they (the Mexicans) rushed upon the Lieutenant and Flood, the latter they surrounded and deliberately knifed, and then performed the same inhuman office upon Lieutenant Porter."—Page 78.

Before this fight between Lieutenant Porter and the Mexicans commenced, General Taylor had blockaded the mouth of the Rio Grande, and stopped "all supplies for Matamoras." This appears from his letter to the Adjutant General, dated the 15th of April, page 118, of document 196, for session 1845—6. On the 26th of April, General Taylor wrote the Adjutant General, informing him, that General Arista had arrived in Matamoras, on the 24th, and assumed the chief command of the Mexican troops.

"On the same day," says General Taylor, "he (Arista) addressed me a communication, conceived in courteous terms, but saying that he considered hostilities commenced, and should prosecute them."

Page 120 of same document. In the same letter, General Taylor mentions the engagement between the Mexicans and the dragoons, sixty-three strong, under Captain Thornton, and says—

"Hostilities may now be considered as commenced, and I have this day deemed it necessary to call upon the Governor of Texas for four regiments of volunteers," &c.

Captain Henry's account of the defeat and capture of Thornton, may be found on pages 82 and 83 of his book. It occurred on the 26th of April, 1846. I have thus given a very abridged account of the proceedings on the Rio Grande, up to the time when, according to the admission of all, war between the two nations existed. I have referred to book and page, where I derived my information. Is it not clear, that it was occasioned by the act of the President, in sending General Taylor with the army, to the Rio Grande? Is it not equally clear, that the Mexicans did not desire war with us, notwithstanding their threats against us? Our resolutions for the annexation of Texas, which are at the bottom of Mexican hostility, were approved on the 1st of March, 1845. If Mexico intended to make war on us for this act, why did she delay more than a year, before drawing the sword and striking the blow? If she wanted war, why did her authorities from time to time, meet General Taylor in his advance, and almost implore him to go back, or they would be compelled to fight him? If she wanted war, why did Ampudia on the 12th of April, require General Taylor to retire to the Nueces, and there abide negotiations between the two governments—why did he almost implore General Taylor to do so?

"If," said Ampudia, "you insist in remaining upon the soil of the Department of Tamaulipas, it will clearly result, that arms and arms alone, must decide the question; and in that case, I advise you, that we accept the war to which, with so much injustice on your part, you provoke us," &c.

(See translation, page 119 of document 196 aforesaid.) Sir, the idea is ridiculous, that weak and distracted Mexico, with a population of but little more than 7,000,000, so weak that she had not even attacked Texas, for years after the battle of San Jacinto, and when Texas had a population of not more than 100,000 or 150,000 at most, should seriously think of making war against the United States, with a population of 20,000,000, backed by an efficient Navy, when Mexico did not own a single ship, and sustained by an army not inferior, numbers considered, as they have proved themselves, to any in the world. Mexican gaseonade was intended by their leaders to operate upon the ignorant masses of their own population, and to produce a political effect at home. Parades, no doubt, thought he would make himself popular, and got up a *pronunciamento* in his behalf, by assuming to be the devoted advocate of the honor and interests of Mexico, and by deluding his countrymen, through their prejudices against us. He succeeded, overturned Bustamante, and rode into power. That was all he wanted. And we have not a few among ourselves, who, like Parades, pretend to be perfectly devoted to the honor and interests of their country, but who, I am sorry to think, are just as willing as Parades, for their own advantage, to play upon the prejudices, and flatter the martial tastes of our people. I believe they want, and expect power, and official emoluments from it. There is danger that they will succeed, and force us upon the mad career of foreign conquests.

The President and his defenders, fully sensible that the march of General Taylor to the Rio Grande, blockading the mouth of the river, and taking possession of the country, were acts of war *per se*, as Mr. Tyler would say, if the country on the Rio Grande belonged to Mexico, have been driven to the necessity of claiming all the land east of that river, from its mouth to its source, as a part of our own territory through the annexation of Texas; and being ours, the President had the right to march our army into it; and hence it is contended, Mexico was the invader, and shed the blood of our citizens upon our soil. Well, sir, I will punish any nation that invades our soil and sheds the blood of our citizens; and hence it is with me an important inquiry, to ascertain whether we did own the land up to the Rio Grande, where Porter and Thornton were killed. To satisfy my own mind, and to enable me to take such course as a Senator which truth and patriotism required, I have examined the question of title as well as I could, and my researches have resulted in the conviction that we do not own the soil where the first blood was shed in this war. I will state the grounds of my opinion as briefly as possible. By the treaty with Spain, in 1819, we relinquished to her all claim which we theretofore may have had to the territory lying west of the Sabine. After the Mexican people, by

their revolution, had thrown off the Spanish yoke, and established their independence, we, by treaty made in April, 1831, conceded to Mexico the same boundary as before that time we had agreed upon with Spain. Thus, by two treaties, we have relinquished all title and claim to land west of the Sabine river, now the eastern boundary of Texas. Have we at any subsequent time acquired a new title? It is contended that we have through the Texan revolution and the annexation of Texas to the United States. By conceding the same territory to Mexico which we acknowledged in 1819 belonged to Spain, and when Mexico had no other title to it than that which was founded on revolution and conquest, we have admitted the principle that Texas may acquire title in the same manner; and, consequently, if she did so acquire it, that it became ours by consummating the contract of annexation. The whole question turns, therefore, upon a fact. Did Texas conquer the country up to the Rio Grande opposite Matamoras? As to the declarations of Texas that the Rio Grande was her boundary, they are too idle to require notice. If men or nations could, by mere assertions, acquire property or territory, there would be no end to their wealth and dominion. Unfortunately for the honest reputation of individuals and nations, the society within governments, and the relations of governments, are kept in perpetual turmoil by unjust assertions and claims. We must have facts, then, and not assertions.

The Senator from Illinois (Mr. DOUGLAS) insisted that the revolution in Texas commenced in consequence of the destruction of the Mexican federal constitution of 1824, and the creation of a central consolidated Government, to which Texas was unwilling to submit, and that Texas successfully resisted the efforts of Mexico to bring her into subjection to the central Government. That is, I believe, all true, and I could perceive very clearly that these facts constituted a just foundation upon which Texas could rightfully assert title to all the lands within her acknowledged limits before the revolution commenced. Up to these limits she was possessed before she asserted her independence, and that possession, coupled with right, would continue until Mexico succeeded in dispossessing her—which was never done. I therefore agree that Texas had title to all the land within her proper limits, and that we acquired her title by annexation; although I must believe it was bad policy on our part to trade with Texas for that title which she had secured by a revolution not ten years old when we made the bargain. We ought at least to have waited until she had enjoyed peaceable and adverse possession long enough to bar an ejectment before purchasing the property.

Mexico seems to doubt whether there be any international statute of limitations which bars her right in so short a time as Texas and the United States have agreed on. But let that pass. Conceding that Texas, by her successful defence secured title to all the land within her proper limits, does that defence equally avail to give her title to part of the Mexican States of Tamaulipas and New Mexico? Certainly not. How then can Texas, under the circumstances, enlarge her original boundaries? She could only do it by conquest, and the permanent occupation of the conquered district.

It must be borne in mind, that the original western boundary of Texas was the river Nueces, that the territories of Coahuila and Texas united, formed one of the Mexican States, that Coahuila lay on both sides of the Rio Grande, having a coterminous boundary with Texas, formed by the river Nueces. That the Mexican State of Tamaulipas covered the country on both sides the Rio Grande, extending from the Nueces west along the gulf coast and bounded on the North by Coahuila, and that New Mexico lay above on both sides of the Rio Grande. It must also be kept in mind, that Taylor's army was sent into the State of Tamaulipas, according to the original boundaries of these Mexican provinces, and that the first battles occurred in what was at one time part of Tamaulipas, beyond all question. Now, did Texas at any time conquer and hold permanently that part of Tamaulipas in which the first blood was shed? Did she ever garrison her conquests and keep any military force in that part of the country? If she ever did I have no knowledge of the fact. If the fact exists, it is passing strange that it cannot be proved. I do not believe such a fact ever did exist, and I will now present the grounds of my belief as rapidly as possible.

In the first place, the evidence furnished by Captain Henry is conclusive to prove that the Mexicans had possession in fact of the country on the left bank of the Rio Grande at the time General Taylor invaded it under the orders of the President. On the 24th of March, 1846, as Taylor approached, the Mexicans at Point Isabel, except one, burn their houses and fly before the army—(page 62, of Henry's book.) At page 63 Captain Henry says:

"The country around Palo Alto is really beautiful, and I am not surprised the Mexicans are loth to part with it."

On pages 64 and 65 he speaks of the Mexican "settlements;" "large fields" being enclosed; passing through a "long line of Mexican huts;" "stopped at one and there was a regular rush for eggs and chickens;" "the floor paved with bricks and covered with beds;" "the poor devils (Mexican population) at their cottage doors appeared pleased at our arrival, and saluted us as we passed." Our army camped in a corn field on reaching the Rio Grande. The corn was about "six inches high." "General Taylor sent for the owner and told him he would pay him what he thought was the value of the crop."—Page 68.

At page 67 Captain Henry describes the country and its richness. Speaks of the army occupying cotton and corn fields, mentions the remains of a "beautiful garden" in which the "orange, lemon, fig, banana, plaintaine, peach, and cocoanut" grew, and says:

"This rich body of land is between thirty-five and forty miles in width, and some two hundred and fifty in length."



Captain Thornton was attacked when he and his men were at a house in a "large plantation"—page 83. In all this we see incontestible proofs that the Mexicans had possession of the country. When and how did the Texans ever have possession of it? If they ever had a single settler in it west of the Nueces, give us his name, tell us who he was, and where he settled?

(Here Senator Houston informed Mr. U. that a man named Powers had settled west of the Nueces, in 1832, under a Mexican grant.)

Mr. UNDERWOOD. Well that was years before the Texan Revolution commenced? What became of him? Was he a citizen of Tamaulipas or Texas? Did he conquer the country up to the Rio Grande?

Mr. RUSK. I am quite certain that the gentleman from Kentucky does not desire to present any statement which is not strictly correct, and if he will allow me to interrupt him for a few moments, I will endeavor to put him right with regard to this matter. The war commenced between Texas and Mexico in the year 1835, San Patricio at that time being a municipality, a colony of James Power. There was a good deal of controversy whether the Texans should go to war or submit to the Central Government of Mexico, and a consultation was called in the fall of '35 to settle the question. The various municipalities throughout Texas, and this municipality, sent delegates to that Convention, James Power being the representative from San Patricio. That consultation declared in favor of the Constitution of 1824, and invited every body on this as well as the other side of the river to rally and put down the central power. They were necessarily compelled to establish a temporary government. They passed various laws. Shortly afterwards, or about this time, the revolution broke out in consequence of the attempt on the part of General Cos to enforce the law to deprive the people of Texas of their arms. The provisional Government then passed several laws. Previous to that time, all the jurisdictions were called "departments" and "municipalities," &c., the former having seven representatives, and the latter four or five. Counties were now formed, in order to carry out the necessary authority during this state of affairs. Thus the county of San Patricio was formed; and instead of its being on this side, it was almost entirely on the other side of the river. The revolution then broke out, and one of the very first Mexican posts that fell, was one at Lipautitlan, west of the Nueces; it was taken from the forces under Cos by the colonists of James Power, and citizens on both sides of the river, under the command of Philip Dinewitt, afterwards killed in Mexico. The resolution which the gentleman holds in his hand, is, I presume, the resolution calling the Convention. It was found necessary to take other steps, and if the gentleman has the whole of the laws passed by that temporary government, he will find an apportionment of the representatives to be sent to the Convention which made the Declaration of Independence, from this same jurisdiction, municipality of San Patricio. I recollect very well who represented it on that occasion, and it has been represented in our Congress ever since.

Mr. UNDERWOOD said: Doubtless the gentleman from Texas had knowledge of many facts of which I am ignorant. Powers and his men may have taken Lipautitlan; a place too insignificant to be marked upon any map I have examined. But did they keep it? did they garrison the place and hold permanent possession? Where is the place? How far from the Rio Grande? Was it in Tamaulipas? Who and how many lived at it? And what were they doing there? I shall show from the laws of Texas, before I take my seat, that San Patricio county, whatever may have been its boundaries, became *depopulated*. It will puzzle the astute politician to reconcile the idea of *conquest*, with a positive acknowledgment that the county was abandoned, that it had become *depopulated*.

Reliance has been placed upon the settlement of Corpus Christi, and the holding of that place as evidence of Texan occupation and possession. But if I have ascertained the facts connected with that settlement correctly, they prove precisely the reverse. Capt. Henry, who staid there six months, gives us the account of its settlement, and how it was occupied and held, at pages 18, 19, and 20, of his book. He says:

"It was first settled by Col. H. L. Kinney, in 1838, who, in conjunction with his partner, Mr. Aubrey, established a trading post, to meet the immense traffic carried on by the Mexicans. It was the extreme frontier settlement. The incursions of the Indians were so frequent, and attended with so much danger, that he was forced to keep a regular company of men, at his own expense, to defend his 'ranch.' Its proximity to the Rio Grande made it the most convenient point for the contraband trade."

"For the suppression of this illicit trade, the Government of Mexico kept constantly stationed on the Rio Grande, a species of troops called 'commissions.' They were usually commanded by some worthless vagabond, who was ready in a moment to sacrifice his duty for a bribe."

Capt. H. then gives us an account of an expedition sent by the Government of Mexico, under an officer of the "commissions," and two hundred men, to destroy Kinney's goods and take him prisoner. Kinney crossed the Nueces to obtain assistance. On his return, he found his valiant company had not only deserted him, but stolen many of his goods. Kinney evinced tact and bravery, and finally saved his establishment by bribing the Mexican officer, and Capt. Henry winds up the account by saying:

"So much for a little ingenious bravery, and a happy application of the *lever of the world*."

There, sir, you have the history of Corpus Christi—a smuggling establishment in its origin, and protected against Indians by soldiers employed by a private company, and not the Govern-

ment of Texas, and maintained against Mexico by the bribery of her officers. But, sir, this is not all my proof. I have the statement of one of the most respectable men in Kentucky, whose nephew was one of the officers at Corpus Christi, and who informs me that his nephew told him last summer, when on a visit, that the small force at Corpus Christi could not hold possession at all times without tampering with the Mexican officers, that his nephew had given a fine horse to keep fair weather with the Mexican commander at Matamoras, and that Col. Kinney himself had taken the oath of allegiance to the Mexican Government. Now, sir, if these things be so, and there be no evidence that Texas ever marched an army to the Rio Grande in the neighborhood of Matamoras, is it not preposterous to contend that Texas, by conquest, extended her territory in the State of Tamaulipas up to the Rio Grande?

I find by an examination of the laws of Texas, (and the laws of a people constitute their best history,) much which confirms the idea that Texas made and held no conquests up to the Rio Grande. On the 10th of December, 1835, Texas resolved to call a convention to form a constitution, and in her resolutions declared that "all free white males and Mexicans opposed to a central government" were allowed to vote. Also soldiers then in the army were allowed to vote by proxy. The judges and alcaides were authorized to designate the places of holding the elections. In these resolutions, no particular district or territory was specified from which representatives were to be elected. They constituted a general invitation to all persons opposed to the Central Government of Mexico to cooperate.

On the 5th of June, 1837, Texas passed a resolution "relating to elections for depopulated districts." In which it was provided, that the President might order polls to be opened for the depopulated districts in any part of the Republic where the citizens of such district or county may be temporarily residing, until such times as they could return with safety to their homes. This resolution was to continue in force during the war with Mexico. Here, then, is record evidence taken from the statute book of Texas, that a part of the districts of Texas had been depopulated by the war. What districts were they? The laws of Texas furnish the answer, and furnish it most effectually, so far as my present inquiry is concerned. On the 18th of January, 1845, the resolution relating to elections for depopulated districts was repealed so far as it operated upon the counties of Refugio and San Patricio, and from and after the passage of the act elections in these counties were to be held within their limits and not elsewhere. The 4th section of the act of 1845 provides that the reorganization of these counties shall be had within six months from and after its passage, and proper returns made of all elections of county officers, to the Department of State. The 5th section of the act of 1845, makes Corpus Christi the county seat of San Patricio county. Before that time, the county seat had been on the east side of the Nueces. By the Constitution of Texas, adopted 17th March, 1836, San Patricio county was entitled to one representative. Thus we have the laws of Texas proving that San Patricio, on the Nueces, was a depopulated county, and remained subject to the operations of the resolution of the 5th June, 1837, as a depopulated county, until the passage of the act of the 18th January, 1845, and before the six months allowed for the organization of the county under this act had expired, Texas in convention had accepted the proposals made in our resolutions for annexation. It thus appears that, instead of Texas extending her settlements and possessions towards the Rio Grande, that she admitted by her laws that two of her counties or districts had become depopulated, and she did not even attempt to reorganize them until about nine years after the battle of San Jacinto. But, sir, there is yet more Texan law which bears upon the question. I have not been able to discover any statute of Texas which defines the boundaries of San Patricio and Refugio counties. I was limited in time in making researches, and then the indexes are so deficient, my progress was slow. I did find, however, a resolution dated 17th December, 1836, requiring the chief justices of the several counties to give information to the Secretary of State, as to the boundaries of their counties. From this I infer that there was no statute prior to that date, giving the bounds of the counties of San Patricio or Refugio, or if there be a statute, that it did not extend their bounds west of the Nueces. Whether the chief justice of San Patricio reported that his county went to the Rio Grande, I do not know. If he did, his report cannot extend a jurisdiction over the Mexicans upon that river, and separate them from the State of Tamaulipas.

In the map published by Thomas G. Bradford in 1839, and entered, according to the act of Congress, in 1828, Texas is laid down as being bounded west by the Nueces. That map lays down the line separating Coahuila and Tamaulipas as crossing the Rio Grande above Laredo, leaving that place in the State of Tamaulipas. Coahuila and Texas were united and formed into one State, by an act or decree passed at Saltillo, on the 15th of August, 1824, in which they are declared to be one State, and the territory thereof to be that recognised as both provinces, up to that time. In the laws passed by the legislature of Coahuila and Texas, I find an act, under date of the 12th of April, 1827, granting the exclusive privilege of introducing steamboats to Bradburn & Staples, "in that portion of the Rio del Norte, (*alias* Rio Grande,) that belongs to the State;" thus showing that only a part of that river passed through the territory. In apportioning the representation, I find an act passed in March, 1827, which gives the "districts of Saltillo, Parais, and Monelova, three deputies, proprietors, each; that of Texas two; and the Rio Grande one." I have thus found nothing which gave Texas the shadow of a right, originally, to that part of the State of Tamaulipas, in which the battles on the Rio Grande were fought; and I have looked in vain for the evidence of the fact that Texas made and held any portion of Tamaulipas as a conquest. Having no original right, and making no conquest in the neighborhood of Matamoras, we could acquire no title, through Texas, by annexation. On the 12th of June, 1837, the legislature of Texas passed a resolution, authorising their President



to send a flag of truce to Matamoras to procure a release of prisoners then there. If at that time she had conquered the country, why did she not erect a battery, as General Taylor did, opposite to Matamoras, and by her cannon compel the surrender of the prisoners? If the country was not then conquered, at what subsequent period was the conquest made? I will not pursue the inquiry any further. I have presented the facts, upon which my mind has been forced to the conclusion, that the Mexican Government did not commence this war, "by invading the territory of the State of Texas, striking the first blow, and shedding the blood of our citizens on our own soil;" but that it was unconstitutionally commenced by the President of the United States.

What are we now fighting for? Indemnity for the past and security for the future, the President answers. I am for these also; but my indemnity and my security may be very different from the President's. What does the President include in his ideas of indemnity? The expenses of the war, and the amount of the "just and long deferred claims of our citizens" against Mexico. I think the President is the last person who should complain of the non-payment of "long deferred claims." He ought to have recollected that he had refused to pay the claims of our citizens for French spoliations, even after they had been provided for by Congress, much longer deferred than any of their claims against Mexico. But although the President will not himself pay, it may still be very proper to make Mexico do it. How much will the expenses of the war and the claims of our citizens amount to? I wish to go a little into particulars, and ascertain the sums we are to demand, and then we shall be better prepared to decide upon the extent and value of the indemnity to be exacted. The President tells us in the message, that Mexico cannot satisfy the claims of our citizens, and "reimburse the United States for the expenses of the war," except by ceding to us a portion of her territory. "The doctrine of no territory is the doctrine of no indemnity," says the President. Let us begin the calculation, and estimate the expenses of the war and our private claims. The account stands thus:

Balance in the Treasury 1st February, 1846, now spent.....	\$9,126,439
Treasury notes under the act of 22d February, 1846.....	10,000,000
Treasury notes under the act of 28th January, 1847.....	23,000,000
Loan or Treasury notes now asked for by the Secretary of the Treasury.....	18,729,114
Add the value of bounty lands, according to the report of the Commissioner of the Land Office to the Committee on Public Lands.....	14,550,000

We have thus expended, if we could get peace to-day .....\$75,405,553

But this is nothing like all; we have, by the war, laid the foundation for an increased expenditure of millions more, and with which the country will be burdened for years to come. The claims of the mutilated and disabled soldier, and the widows and orphans of the dead, for pensions, are pouring in upon us. There is a claim now before the committee of which I am a member, for more than \$15,000, for property taken and used to supply the wants of one of our regiments, and how many more thousands we shall be called to pay, for property used in the same way, no one knows or can even conjecture. The claims of our citizens against Mexico are as follows:

Amount allowed by the Commissioners, under the treaty, and part of which has been paid	\$2,826,079
Amount approved by our Commissioner, but disapproved by the Mexican Commissioner, and not acted on by the umpire.....	928,620
Amount of claims not acted on or decided.....	3,336,837
Total individual claims.....	\$6,291,536

If we could arrest the war this moment, with what we have already spent, with the liabilities already incurred, and with what we should be compelled to expend in bringing our armies home, and paying them up to the time they were disbanded, no reasonable estimate of our extra war expenses can bring them below a hundred millions of dollars. But how will it be if we go on? The Secretary of the Treasury estimates the deficiency for the year ending 1st of July, 1849, at \$36,274,055. Pass this bill for ten thousand more regulars, and the other bill reported by the Military Committee for twenty thousand more volunteers, and bring upon the country the increased expenditure of feeding and clothing them, supplying them with arms, and transporting them to, and marching them through Mexico, and add these new expenditures to the past, and well may the tax-paying people of the United States begin to tremble, and ask, what is to become of us? Now, it is the President's proposed policy to obtain indemnity from Mexico in land, for this vast expenditure. We must not forget that the President authorised his Commissioner, Mr. Trist, to pay something to Mexico for the cession of California and New Mexico, but he did not tell us how many millions he had authorized Mr. Trist to give. Enough appears, however, to show, that, in the President's opinion, if he could secure territory amounting to his ultimatum, he would thereby secure a pecuniary indemnity for the Government, and an ample fund, also, for the satisfaction of individual claims.

Now, sir, I do not hesitate to declare that a pecuniary indemnity is an impossibility. The idea can have no other effect than to delude the people. I will not charge that it was thrown out with that design. It can be demonstrated, if our past experience is worth any thing, that the hope of a pecuniary indemnity is a sheer delusion. Suppose New Mexico and California ours, what steps must we take to gain this pecuniary indemnity with which to reimburse the Government and pay the claims of our citizens? We must begin with other heavy expenditures, and we must pay them years before we shall get a dollar in return. Our first step will be to establish two or more territorial governments; our second, to create two or three surveyors-general, and to provide for the employment of a multitude of deputy surveyors; and our third, to create land offices and provide for registers

and if you dare refuse, we will send your bodies to dungeons, and confiscate your property. No resignation or abdication shall excuse! In our own history, this capital has been occupied by our enemies. Should it occur again, are we willing to have the laws we prescribe to Mexico applied to ourselves? Speak, ye Senators, and tell me, which among you, at the order of an invader, to save your property and escape a jail, would be induced to assume the office of tax-gatherer for the enemy? Sir, there is no patriot, there is no man who has a spirit, who would thus degrade and subject himself to the scorn and contempt of his own fellow-citizens. It is not the speeches we make here, which induces the Mexicans to proclaim, "Death to the Yankees, without mercy," as General Pearce may suppose; but it is the conduct of this administration of ours. If these new principles are interpolated in the code of nations, there will be an end throughout the civilized world of those rules of courtesy, chivalry, magnanimity, and mutual respect, which have heretofore, greatly alleviated the horrors of war; and deadly hate, plunder, and extermination, will be the result. Instead of Whig speeches aggravating the bitterness and vengeance of Mexican hostility, they must have directly the contrary effect; because they will convince Mexico, that all sense of justice, and all respect for the rules of civilized warfare, have not yet entirely departed from among us.

I think I have proved that a pecuniary indemnity for the expenses of the war, is an impossibility. What security do we want for the future? We have that in our strength, and in the capacity which the army has exhibited to achieve victories and overcome obstacles. The army has manifested a capacity which has astonished us. In that there is cause of exultation, and in the prowess of our army and navy we have security. Does the President wish Mexico bound over to keep the peace, and to enter into bonds, with Great Britain or France as surety? If that is his meaning by "security for the future," I shall leave it to the President to take the preliminary oath. As for myself and Kentuckians, we cannot swear that we are afraid.

A few more words, and I have done. In prosecuting this war, we have lost about five thousand officers and soldiers, in killed and wounded. We have lost a great many more by the climate of Mexico, and other causes. For this loss there is no indemnity. If we continue this war, losses in the death of officers and soldiers will continue.

I believe the annexation of any considerable portion of the Mexican population to our country would be a lasting curse. What, then, ought we to do, in the difficulties which surround us? My opinion is, that this Congress ought to declare, by resolution, what we require of Mexico. I would say to her you must pay every cent you justly owe our citizens; you must and shall refrain from future spoliations; you have committed many faults, you must reform; you may pay us what you owe, in money if you can; if not we will take the bay of San Francisco and the country around it, and to our Oregon line, if you prefer to give it. That bay will be valuable to us as a naval power, and worthless to you. I would assume a defensive line, including such territory as would secure the claims of our citizens and say to Mexico, this we intend to hold a reasonable time, to enable you to do us justice; and if you will not, then we shall permanently appropriate it. If any Senator who sustains the Administration will introduce resolutions based upon the principles stated, I shall rejoice to vote with him in their support. I know it is useless for me, or any one on this side, to move in the matter.

I shall vote against the bill, because Mexico is already conquered, and we shall have no more battles of consequence to fight, and because I am opposed to raising armies for the purpose of collecting taxes in a foreign country. The taxes to be collected would not support the ten regiments if raised. Were I not exhausted, I would speak of the irresponsible and dangerous power which the President is exercising, through the army and navy, in his attempts to appropriate the revenues of Mexico, without law, and at his own discretion. But I must desist.

If my advice is disregarded, as I suppose it will be; if this bill is passed, and if, in addition, you call for more volunteers, as a citizen, I shall obey your laws. It is a part of my creed to submit to the will of the majority, constitutionally expressed, and to endeavor to carry it out. As a legislator it is my province to oppose the adoption of measures which I believe to be injurious; but when adopted, acquiescence and a fair trial of them, is the duty of us all. Upon these grounds I have heretofore invited volunteers to your standard, in public speeches. I shall vote for all supplies to sustain the existing establishment, but will not enlarge the army, which, with the forces in the field and those authorized to be raised under existing laws, exceeds 60,000 men.

I have endeavored to exhibit the dangers of our present position, the erroneous Executive action which brought us into difficulties, and I have reasoned against a career of conquest and annexation. If the people will not arrest such a career, we shall see whether destiny or fate conducts us to universal empire, or with a whirlwind of anarchy, rends and scatters, in irrecoverable fragments, the political edifice of American liberty.